THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 07-10-2005

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WRIT PETITION No.22064 of 2005

Between:

C. Gopal . . .Petitioner

And

The Government of Andhra Pradesh, rep. by its Principal Secretary, Medical Health & Family Welfare (K2) Department Secretariat, Hyderabad & others.

. . .Respondents

O R D E R:

The petitioner appeared in the Entrance Examination conducted for selection of candidates for admission into General Nursing and Midwives Course (3 ½ years) for the academic year 2005-06. During the course of counselling for allotment of candidates to various institutions, the respondents restricted the admission of male candidates into the said course only to the extent of 5% of existing seats. The grievance of the petitioner is that large number of seats in various colleges are vacant on account of non-availability of adequate number of women candidates and that the respondents are not considering the case of the petitioner on the ground that they cannot admit male candidates over and above 5% of total number of seats. He seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner, the learned Standing Counsel for respondent No.1 and the learned Government Pleader for Medical and Health for respondents 2

and 3.

The course of GNM (3 ½ Years) is studied mostly by the female candidates. However, the regulations issued by the Nursing Council of India, New Delhi, disclose that even male candidates are entitled to study that course. Obviously, with a view to protect the interests of the women candidates, the Government of Andhra Pradesh issued instructions from time to time stipulating that not more than 5% of the seats shall be allotted to the male candidates. Such orders have neither been challenged nor been found fault with. In fact, the petitioner also does not have any grievance about it. However, a situation had emerged, wherein, there is acute dearth of female candidates to fill 95% of the seats allocated to them. It was in this context, the Government sought for clarification from the Nursing Council of India as to whether male candidates can be admitted for the said course, and if so, what is the percentage. The Nursing Council of India clarified through letter, dated 11.02.2005, that the course can be studied by male or female candidates and that their admissions need not be restricted to any percentage. In several writ petitions filed by the institutions concerned, it is directed that if seats remain vacant in various institutions on account of lack of women candidates, those seats shall be filled by the male candidates.

For the foregoing reasons, the writ petition is disposed of, directing that the respondents herein shall consider the case of the petitioner for admission into General Nursing and Midwives Course (3 ½ years), against any existing vacancy, without restricting the admission of male candidates to 5%.

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(L.NARASIMHA REDDY, J)

7th OCTOBER, 2005.

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